

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 10, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)

Members Excused:

Sen. Scott Sales (R)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Prudence Gildroy, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 217, 2/23/2017; HB 77, 2/23/2017; HB 147, 2/23/2017; HB 149, 2/23/2017

Executive Action: HB 276 Be Concurred In; HB 231 Be Concurred In As Amended;
HB 342 Be Concurred In; HB 370 Be Concurred In

HEARING ON HB 217

Opening Statement by Sponsor:

00:01:10 Rep. Randy Brodehl (R), HD 9, opened the hearing on HB 217, Revise replacement schedule for regular license plates.

Proponents' Testimony:

00:04:27 Lisa Wanke, Motor Vehicle Division, Department of Justice (DOJ)
00:04:48 Eric Bryson, Montana Association of Counties, Montana County Treasurers Association

Opponents' Testimony: None

Informational Testimony:

00:05:27 Mark Taylor, 3M Company

Questions from Committee Members and Responses:

00:07:16 Sen. Sands
00:07:55 Ms. Wanke, DOJ
00:08:05 Sen. Sands
00:08:20 Ms. Wanke
00:08:26 Sen. Sands
00:08:37 Rep. Brodehl
00:08:57 Sen. Sands
00:09:14 Rep. Brodehl
00:10:00 Sen. Hinebauch
00:10:19 Rep. Brodehl
00:10:29 Sen. MacDonald
00:10:57 Mr. Taylor, 3M
00:11:25 Sen. MacDonald
00:11:43 Mr. Taylor

Closing by Sponsor:

00:12:13 Rep. Brodehl

HEARING ON HB 77

Opening Statement by Sponsor:

00:14:00 Rep. Randy Brodehl (R), HD 9, opened the hearing on HB 77, Revise public defender system and provide for a director hired by DOA.

00:15:40 Sen. Gross joined the meeting.

Proponents' Testimony:

00:16:30 Amy Sassano, Office of Budget and Program Planning
00:17:19 Mark Murphy, Montana County Attorneys Association

Opponents' Testimony: None

Informational Testimony:

00:21:12 Peter Ohman, Office of Public Defender (OPD)

Questions from Committee Members and Responses:

00:21:32 Sen. MacDonald
00:22:17 Mr. Ohman, OPD

Closing by Sponsor:

00:23:11 Rep. Brodehl

HEARING ON HB 147

Opening Statement by Sponsor:

00:24:28 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 147, Requiring search warrant for gov access to electronic devices.

Proponents' Testimony:

00:31:19 John Santy, representing himself
00:32:38 Michael Sangray, representing himself
00:33:11 Tucker Finley, Montana Public Interest Research Group
00:34:05 Nanette Gilbertson, Montana Library Association
00:35:01 Wes Krawczyk, representing himself

[EXHIBIT\(jus50a01\)](#)

[EXHIBIT\(jus50a02\)](#)

00:38:25 Eric Fulton, representing himself
00:41:26 Matthew Gannen, representing himself
00:43:42 Nicholas Schwaderer, representing himself
00:47:23 SK Rossi, ACLU of Montana

Opponents' Testimony:

00:48:16 Adrienne Slaughter, Department of Corrections (COR)
00:49:27 Chad Parker, Department of Justice (DOJ)

[EXHIBIT\(jus50a03\)](#)

00:52:33 Sen. Vincent joined the meeting.

00:53:52 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police, Montana Police Protective Association

Informational Testimony:

00:58:20 Greg Mohr, Montana Magistrates Association

Questions from Committee Members and Responses:

00:58:35 Sen. Sands
 00:59:39 Ms. Slaughter, COR
 01:00:15 Sen. MacDonald
 01:01:28 Mr. Schwaderer, self
 01:03:30 Sen. MacDonald
 01:04:23 Mr. Murphy, MCAA
 01:05:56 Sen. Fielder
 01:06:37 Mr. Parker, DOJ
 01:10:24 Sen. Fielder
 01:10:52 Mr. Parker
 01:11:22 Sen. Fielder
 01:11:45 Mr. Murphy
 01:14:52 Sen. Fielder
 01:15:14 Mr. Murphy
 01:16:37 Sen. Fielder
 01:17:33 Rep. Zolnikov
 01:18:26 Sen. Fielder
 01:18:51 Rep. Zolnikov
 01:19:27 Sen. Hinkle
 01:20:35 Mr. Parker
 01:22:16 Sen. Hinkle
 01:22:41 Mr. Parker
 01:24:18 Sen. Hinkle
 01:24:32 Rep. Zolnikov
 01:25:23 Sen. Gross
 01:25:57 Rep. Zolnikov
 01:27:15 Sen. MacDonald
 01:28:36 Mr. Parker
 01:29:25 Sen. Sands
 01:29:51 Mr. Parker
 01:31:06 Chair Regier
 01:31:49 Rep. Zolnikov
 01:32:13 Chair Regier
 01:32:20 Rep. Zolnikov

Closing by Sponsor:

01:32:46 Rep. Zolnikov

HEARING ON HB 149

Opening Statement by Sponsor:

01:36:41 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 149, Revise privacy laws regarding license plate scanners.

[EXHIBIT\(jus50a04\)](#)

[EXHIBIT\(jus50a05\)](#)

Proponents' Testimony:

01:46:30 John Santy, representing himself

01:46:42 Eric Fulton, representing himself

01:48:44 Wes Krawczyk, representing himself

01:49:04 Mark Murphy, Montana County Attorneys Association (MCAA)

01:49:53 Spook Stang, Motor Carriers of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:51:07 Sen. Hinkle

01:51:31 Rep. Zolnikov

01:54:54 Sen. Hinkle

01:55:45 Rep. Zolnikov

01:58:41 Sen. MacDonald

02:00:49 Mr. Murphy, MCAA

02:02:42 Sen. MacDonald

02:03:47 Mr. Murphy

02:05:08 Sen. Fielder

02:05:54 Mr. Santy, self

02:07:08 Sen. Vincent

02:07:31 Mr. Santy

02:08:08 Sen. Vincent

02:09:01 Mr. Fulton, self

Closing by Sponsor:

02:09:41 Rep. Zolnikov

02:13:04 Recess

Sen. Vincent left the meeting.

02:23:22 Reconvene

EXECUTIVE ACTION ON HB 276

02:23:58 **Motion:** Sen. Fielder moved that **HB 276 BE CONCURRED IN.**

Discussion:

02:24:31 Sen. Boland

02:25:09 Sen. Hinkle

02:25:59 Sen. Fielder

02:26:58 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinkle, Sen. S. Sales and Sen. Vincent voting no. Sen. S. Sales, Sen. Swandal and Sen. Vincent voted by proxy. Sen. Fielder will carry the bill.

02:29:16 Sen. Sands

EXECUTIVE ACTION ON HB 231

02:30:03 **Motion:** Sen. Fielder moved that **HB 231 BE CONCURRED IN.**

Discussion:

02:30:12 Julianne Burkhardt, Legislative Services Division (LSD)

02:31:11 **Motion:** Sen. Fielder moved that **HB 231 BE AMENDED.**

[EXHIBIT\(jus50a06\)](#)

Discussion:

02:31:20 Ms. Burkhardt, LSD

02:32:29 Chair Regier

02:32:40 Sen. Fielder

02:32:51 Ms. Burkhardt

02:33:49 Chair Regier

02:34:02 Sen. Hinkle

02:35:20 Sen. Fielder

02:36:27 Chair Regier

02:36:43 Sen. Fielder

02:37:23 Chair Regier

02:37:44 Sen. Fielder

02:38:00 Sen. Hinkle

02:38:52 Chair Regier

02:39:07 Sen. Hinkle

02:39:18 Ms. Burkhardt

02:39:43 **Substitute Motion:** Sen. Fielder made a substitute motion that **HB 231 BE AMENDED SEGREGATING OUT #7.**

Discussion:

02:40:11 Sen. Hinkle
02:40:18 Chair Regier

02:40:33 **Vote:** Motion carried 10-1 by voice vote with Sen. Swandal voting no. Sen. S. Sales, Sen. Swandal and Sen. Vincent voted by proxy.

02:41:15 **Motion/Vote:** Sen. Fielder moved that **HB 231 BE AMENDED WITH #1, #2, #3, #4, #5, #6..** Motion carried unanimously by voice vote. Sen. S. Sales, Sen. Swandal and Sen. Vincent voted by proxy.

02:42:19 **Motion:** Sen. Fielder moved that **HB 231 BE CONCURRED IN AS AMENDED.**

Discussion:

02:42:28 Sen. Sands
02:43:16 Chair Regier
02:43:41 Sen. Sands
02:44:01 Ms. Burkhardt
02:44:52 Sen. Boland
02:45:43 Sen. Hinkle

02:48:07 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales, Sen. Swandal and Sen. Vincent voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 342

02:48:20 **Motion:** Sen. Fielder moved that **HB 342 BE CONCURRED IN.**

Discussion:

02:48:40 Julianne Burkhardt, Legislative Services Division (LSD)
02:48:48 Sen. Gross
02:49:21 Sen. Hinebauch
02:50:11 Sen. Gross
02:50:15 Sen. Hinebauch
02:50:42 Sen. Gross
02:51:43 Sen. Sands
02:52:28 Sen. Hinkle
02:53:06 Sen. Fielder
02:54:04 Sen. MacDonald

02:55:22 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales, Sen. Swandal and Sen. Vincent voted by proxy. Sen. Sales will carry the bill.

Sen. Vincent entered the meeting.

EXECUTIVE ACTION ON HB 370

02:57:19 **Motion:** Sen. Fielder moved that **HB 370 BE CONCURRED IN.**

Discussion:

02:57:35 Sen. Fielder

02:58:35 Chair Regier

02:58:54 Sen. Fielder

02:59:01 Sen. Vincent

03:00:01 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Swandal voted by proxy. Sen. Fielder will carry the bill.

ADJOURNMENT

Adjournment: 11:00 AM

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([jus50aad.pdf](#))